

REMARKS

The Newly Amended Claims presented herein recite features contained within the Specification and/or Drawings of the original patent application and, therefore, these amendments do not present any new matter.

The present invention is believed to be novel and unobvious over the below-referenced patents for the reasons explained below in detail. The device of the present application is directed towards, but not necessarily exclusively limited to the display of substantially planar objects. It includes four primary aspects in a preferred embodiment:

- 1) capacity for providing the simultaneous viewability of a plurality of held items;
- 2) guides within the holding space of the device to facilitate the positioning of held items in uniform relation to each other; and
- 3) grasping tension method which exerts pressure to hold items substantially without requiring the items to possess predetermined properties, apart from a thickness that is not too great to preclude successful insertion into the device. Modification of the design to accommodate virtually any thickness can be made, however.
- 4) an at least partial transparency in connection with an element of the holding device, which thereby permits an essentially entirely unobscured view of a held item.

Figure 42 discloses an indication of the texturing of the interior cavity formed to permit the introduction of an item-to-be-held.

Please amend the word "ore" on line 23 of the Background section to be read as "or".

The first Office Action includes the following prior art references: Chang '524, Lawrence '218, Bonnett '911, Hunt '131, McDonald '959, Sampson '954, Cheng '725, Koutras '709, Burkard '526, and Royer '849 which were addressed in a prior Office Action response dated July 22, 2005. While each of the references may contain perhaps one element of the Newly Amended Claims, no one prior art reference contains each and every element of the amended Claims herein submitted in connection

with the subject patent application. To anticipate a Claim under 35 U.S.C. § 102(b), each and every element of the claimed invention must be found in a single prior art reference. MPEP § 2131. Accordingly, because no prior art reference describes each and every element of the Newly Amended Claims, these Claims are patentable over all prior art under 35 U.S.C. § 102(b).

The present Response to Supplemental Office Action dated April 11, 2006 endeavors to satisfy the task assigned by the Examiner to distinguish the physical differences which do exist between this novel device and prior art devices, particularly with regard to the limits claimed by prior art devices.

ROYER

U.S. Patent 6,018,849 to ROYER, discloses a device specifically designed for holding together a group of papers, not a single paper; it is necessary that Royer's disclosure relates to a plurality of papers, since the primary function of Royer's clip invention is to align more than one paper, stacked one on top of another. Royer plainly describes the use of only a single "holding section," one which would contain, necessarily, a plurality of papers to be held—otherwise there is, frankly, no purpose to his disclose. Royer's claim preamble further establishes that the device is for a plurality of papers by reciting that the claim is for "A device for grasping and holding together a group of papers...." Since Royer's claims recite only "a first side edge and a second side edge that are mutually perpendicular to one another" the laws of physics dictate that the group of papers that the device would hold would be flush on top of each other with only the face of the topmost paper being visible. This is to say, Royer's device is unnecessary when only one paper is to be held, since its value is the flush alignment of multiple papers; because Royer only discloses "two side edges perpendicular to each other," therefore, only one paper-grasping "holding section" gets created, and in this section, only the face of the topmost grasped paper may be visibly displayed. Thus, considering that only the topmost paper in a grouping of papers may be visible, it may be logically deduced that Royer's design is not intended primarily for

paper display purposes—if at all for paper display purposes—but rather, exclusively for multi-page paper alignment purposes. This different application prompts the only reasonable conclusion: that being that Royer did not consider the possibility of displaying multiple items adjacent to one another. Such a display element would necessitate, a device having multiple “holding chambers,” as the preferred embodiment of this disclosure reveals, not merely the one which Royer discloses.

The device of the present disclosure is not only different from that of Royer with regard to the use for which it is primarily intended because this disclosure is primarily offered as a display item holder, but it is also distinguishable from Royer’s disclosure in its physical characteristics. For instance, whereas Royer teaches a “base member having at least a first side edge and a second side edge,” the device of the present disclosure teaches at least a first side edge, and at least a second side edge and a third side edge and a fourth side edge—all perpendicular to each other. The reason for this is that the function of Royer was never anticipated or intended to be used to display adjacent papers. The function of Royer’s device is to create flush alignment among papers stacked one-on top of another—it is, essentially, just another form of “paper clip.” The physical makeup of the device of the present disclosure is dramatically different from that of Royer considering that its primary objective is to showcase multiple items, generally only four items in a preferred embodiment, in a manner in which the displayed items are simultaneously visible and aligned flush to one another. The need for such flush alignment was not anticipated by Royer, and Royer’s claims which are limited to the creation of merely one “holding section” reflect this.

Royer’s disclosure relates exclusively to the storage of multiple papers in a uniform manner one paper on top of another as with a traditional paper clip, and does not teach or suggest the display of multiple items at all, let alone any simultaneous display of multiple items in a visible manner as recited in Applicant’s claims. Royer’s claims do not, and, accordingly, may

not be interpreted to cover the holding of multiple items in a substantially contiguous manner. The device according to Royer is entirely ineffective in efforts to simultaneously display multiple items next to one another and substantially simultaneously.

For at least the above-presented reasons, Applicant maintains that Royer does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these Claims are patentable over Royer under 35 U.S.C. § 102(b).

CHANG

US Patent Registration No. 4,947,524 to Chang discloses a device constructed of a unitary “clip made of resilient sheet-steel” —which means that it must be made of metal—and which holds an item based upon corrugated tips of the tip. The device of the present disclosure effects the imparting of the tension which holds a grasped item in the opposite manner; the tension in the item of the present device of Applicant’s disclosure is imparted at the upper, interior center of the device, rather than, as with Chang, at the point of entry. The reason for this is that as the item-to-be-held gets introduced into the interior of the preferred embodiment of the device of this disclosure, the interior cavity “holding section” exerts a pressure through its interior being gradiented in a sloping fashion so that the interior becomes progressively narrower. As the item is introduced into the cavity, a “wedging” effect results which serves to hold the item in place without glue and without, as with Chang’s device, requiring pressure to be exerted at the entry point of the clip. In fact, in order for an item to be introduced into the device of Chang’s disclosure, it must be operated to be opened. This is a significant difference from that of Applicant’s device, in that Applicant’s device is designed to easily accommodate the introduction of an item-to-be-held.

Chang, further, does not anticipate, teach, suggest or allow for the simultaneous display of multiple items in a substantially contiguous, adjacent manner. The disclosure of the present invention does not, as Chang’s does, claim a paper clip entirely made of metal, or any particular

material. Chang's disclosure, also, does not even allow, as those of Hunt and Royer do, the user to arrange papers which Chang's clip would hold in a "flush" fashion.

For at least the above-presented reasons, Applicant maintains that Chang does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these Claims are patentable over Chang under 35 U.S.C. § 102(b).

HUNT

US Patent Registration No. 5,697,131 to Hunt, is distinguishable from the device of this disclosure for numerous reasons, paramount among which are its claims for a "continuous ribbon of metal having a base portion, lever portion...and a lip" and its claim for "a spring." This means that Hunt's disclosure, as may be readily discerned through Hunt's drawings, is: 1) a clip entirely comprised of one piece of metal; and 2) a clip having a "spring portion yielded into an arcuate form," which, while possible for use with the object of this disclosure, would need to require four separate clips welded together in a cruciform manner in order to effect substantially the same result as the object of this present disclosure. Moreover, the disclosure of the present invention does not claim one continuous ribbon of metal, or any material, and does not depend on an arc-like form to create a spring which imparts the tension to hold an item. The device of this disclosure claims a tension created through the use of a gradiented slope in the interior of the multiple "holding chambers" into which items to be held are introduced. Hunt's disclosure does not anticipate, teach, suggest or allow for the simultaneous display of multiple items in a substantially contiguous, adjacent manner.

For at least the above-presented reasons, Applicant maintains that Hunt does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these Claims are patentable over Hunt under 35 U.S.C. § 102(b). The grounds for this rejection are respectfully traversed.

CONCLUSION

Accordingly, for at least the reasons set forth herein by Applicant in this case, Applicant maintains that no prior art describes, teaches, or suggests the novel combination of each and every element of the New Claims, and that these New Claims are patentable over all prior art under 35 U.S. C. Section 102(b).

Applicant wishes to express gratitude for the courtesy shown him by the Examiner during Applicant's telephone conference with the Examiner of May 3, 2006. The Examiner was patient professional, pleasant in advising Applicant regarding previously improper claim numbering, and Applicant hopes that this Response will permit the Newly Amended Claims to be accepted as satisfactory. The Examiner indicated that Applicant had not, in the first Response to Examiner's Office Action, outlined specific distinction between Applicant's device and devices disclosed in the prior art. Applicant believes that such specific distinctions have been presented herein. In the event that this is not the case, Applicant respectfully requests that he be granted a continued opportunity to amend this Response in order to further elaborate, if necessary, on any specific distinctions between the device of this disclosure and those of prior art references which might be of concern to the Examiner. Applicant also wishes to thank Examiner for clarifying that the Certificate of Mailing, when signed by an Applicant, serves as an accepted indicator of the date of mailing by Applicant with regard to an Office Action Response, and that Express Mail is primarily important when establishing an initial filing date for an application. This is important, since Applicant's local post offices tend to close considerably earlier than the midnight hour of the last date by which to file, the hour until which Applicant is entitled to place a Response in the mail.

In view of the foregoing remarks, and as demonstrated above with the submission of amended claims, applicant respectfully requests the entry of the amendments contained herein, and contends that this application should now be in condition for allowance. A notice to this effect is respectfully

requested. Because the reasons above are sufficient to warrant allowance for this patent application, Applicant has not explored, nor is there now presented, other possible supporting information in response to the First Office Action. Nonetheless, Applicant expressly reserves the right to present further supporting information in the future, if appropriate, in response to any subsequent Office Action. After considering these remarks, if the Examiner believes that a telephone conference with Applicant would be advantageous towards the disposition of this case in a manner favorable to Applicant, the Examiner is requested contact Applicant at the telephone number listed below.

A petition for a two-month extension of time and associated fee for extending the time to respond to Office Action from May 11, 2006 until July 11, 2006 has been filed in duplicate herewith. No additional fee is believed to be required. However, if an additional fee is required or otherwise necessary to cover any deficiency in fees paid, authorization is hereby given to charge Applicant's USPTO Deposit Account No. 50-3511. An early and favorable action is hereby requested.

Respectfully submitted,

Date: July 11, 2006

By: 
Jerome Glasser, Applicant
USPTO Customer No. 40232
(973) 763-6020